REMARKS

Claims 1-5, 8-16, 19-27, and 30-33 are pending in the present application. Claims 6, 7, 17, 18, 28, and 29 are canceled. Claims 1, 5, 8, 12, 16, 19, 23, 24, 25, 27, and 30 are amended. More specifically, independent claims 1, 12, and 23 are amended to incorporate limitations originally presented in claims 7, 18, and 29, respectively. Reconsideration of the claims is respectfully requested.

I.   35 U.S.C. § 102, Anticipation

The Office Action rejects claims 1-4, 9-11, 12-16, 20-22, 23-26, and 31-33 under 35 U.S.C. § 102 as being anticipated by *Vashistha et al.* (U.S. Pub. No. 20010051913 A1). Independent claims 1, 12, and 23 are amended to incorporate limitations originally presented in claims 7, 18, and 29, respectively. The rejection of claims 7, 18, and 29, as it applies to claims 1, 12, and 23, is addressed below.

Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-4, 9-11, 12-16, 20-22, 23-26, and 31-33 under 35 U.S.C. § 102.

II.   35 U.S.C. § 103, Obviousness

The Office Action rejects claims 5-11, 16-19, and 27-30 under 35 U.S.C. § 103 as being unpatentable over *Vashistha et al.* (U.S. Pub. No. 20010051913 A1), and further in view of *Goino* (U.S. Pub. No. 2001/0056396 A1). This rejection is respectfully traversed.

Vashistha teaches a method and system for outsourcing information technology projects and services. The method and system of *Vashistha* can be configured for the planning, outsourcing, and procuring of information technology projects and services. The system includes a request for proposal module, a matching module, a bidding and discussion module, and a selection module. The Office Action alleges that *Vashistha* teaches determining an estimated time of completion for a service for each of a plurality of service providers at paragraphs [0081]-[0088], which read as follows:

> [0081] Accordingly, outsourcing system 900 can be implemented to enable buyers and IT providers to confer and agree in a very efficient, neutral and intelligent manner for the planning, outsourcing, and/or procuring of information technology projects

Page 8 of 12
Bantz et al. – 09/788,059

and services. Further, instead of the typical six-month period for conventional outsourcing methods, outsourcing system 900 can be conducted in significantly less time, for example, as little as three weeks. Accordingly, provider 904 is ready to initiate work on the IT project. However, it may be desirable for buyer 902 to have a mechanism for overseeing the IT project, including any milestones and deadlines. In accordance with another aspect of the present invention, a system and method for outsourcing IT projects and services can also be configured for delivering and/or managing the IT projects and services.

[0082] In accordance with this aspect of the present invention, a project administration method and system can be provided to facilitate the delivering and/or managing the IT projects and services. In accordance with an exemplary embodiment, the project administration method and system can be configured to enable the buyer and the provider to oversee the delivery of the IT project, such as by using a browser-based application, to provide a secure workspace where project teams can suitably collaborate, conduct online conversations, such as with discussion module 922, track project milestones, monitor service levels, resolve issues, solicit feedback and/or authorize payment.

[0083] In addition, in accordance with another exemplary embodiment, the project administration method and system can enable the buyers and providers to administer the project entirely online, from anywhere in the world. This can include the ability to evaluate and track project milestones, and to monitor, update and analyze project performance metrics with detailed tables and graphs. In addition, the project administration system can be configured to submit and track changes to milestone dates, any failures to meet threshold metrics criteria, and any critical issues related to project completion. Moreover, the project administration system can be configured to review a content-based weekly or other periodic report that can provide an overview of the status of the project, and can provide various features such as a project milestones table, a performance metrics table and graphs, the access to all issues that have been raised, the ability to interact via online conferences that are archived for future reference, and the ability to facilitate financial transactions tied to completion of project milestones.

[0084] With reference to FIG. 5, an exemplary project administration system 500 is illustrated. In accordance with this embodiment, project administration system 500 suitably comprises a project milestones module 502, a performance metrics module

506, a periodic update module 508, a discussion module 514, an update performance module 520, a milestone payment module 522, and a project end module 526. Project milestones module 502 comprises a table containing various milestones, e.g., various events, tasks, or steps required or otherwise to be performed for completion of the project, and which can be selected by either a buyer 516, a provider 510, or both. Project milestones module 502 is suitably configured for tracking the percentage of completion of each project, including the percentage of completion for event, task or step. Performance metrics module 506 is configured for tracking the performance criteria along the path of a project, e.g., from module 502 through module 526. As a result, issues deemed important to buyer 516 or provider 510 can be suitably tracked and archived, e.g., stored within project database 504, for future reference. In accordance with another exemplary embodiment, a project set-up consulting module 528 can be included to facilitate the tracking of project milestones and performance metrics.

[0085] As the project progresses, the milestones and performance metrics can be periodically updated within module 508. Update module 508 can be configured for various update periods, such as daily, weekly, monthly or any other period. In the exemplary embodiment, update module 508 is configured for a weekly update. Upon completion of the updating process, various report configurations can be provided to buyer 516 and provider 510.

[0086] For updating of the project, a provider 510 can suitably update a project with a project status 512 provided to update module 508. For confirmation, a buyer 516 can suitably review project status 512 and comment and discuss with provider 510 in discussion module 514. Once buyer 516 approves and confirms the project update status, buyer 516 can provide a status confirmation 518 to update performance module 520. Update performance module 520 is configured to update the project milestones and performance metrics provided within modules 502 and 506. Upon receiving status confirmation 518, update performance module 520 can suitably provide updated performance criteria to update module 508 for reporting to provider 510 and buyer 516. To facilitate resolution of any issues or disputes that may occur that are not resolved within discussion module 514, in accordance with another exemplary embodiment, project administration system 500 can also include an issue resolution consulting module 530 configured for providing consulting assistance to buyer 516 and provider team 510.

[0087] As each milestone is reached or completed, buyer 516 has an option to provide or release a payment 524 to provider 510 through use of milestone payment module 522. Milestone payment module 522 can comprise any payment distribution system. In an exemplary embodiment, milestone payment module 522 can be configured for electronic payment authorization to provider 510.

Thus, the cited portion of *Vashistha* teaches tracing the progress of a project after it has been procured and after it is being completed. However, *Vashistha* does not teach or suggest estimating a time of completion of a service responsive to bids being obtained.

Furthermore, the Office acknowledge that *Vashistha* does not teach or suggest each bid including an estimated time to perform the service, obtaining route information from a route determination provider, obtaining historical travel data, estimating a time of travel, or adding an estimated time of travel to an estimated time of completion of the service. The Office Action alleges that *Goino* teaches these features.

Goino teaches various auction methods and systems. In fact, *Goino* teaches particular auction methods in which the location of a taxi is used to determine a winner of an auction. However, *Goino* does not teach obtaining route information from a route information provider or obtaining historical travel information from a historical database. While *Goino* does nominally mention a "custody history," a "professional history," and a "membership history," there is no mention whatsoever of historical travel information or a historical database in *Goino*. Therefore, *Goino* cannot possibly teach obtaining historical travel data from a historical database and calculating an estimated time of travel for each of the plurality of service providers based on the route information and the historical travel data, as alleged in the Office Action.

The applied references, taken individually or in combination, fail to teach or suggest each and every claim limitations. Therefore, even assuming, *arguendo*, that a person of ordinary skill in the art would have found it obvious to combine *Vashistha* and *Goino*, the proposed combination would not result in the presently claimed invention.

Moreover, the Office may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Applicants' disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, *Vashistha* and *Goino* cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or

incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through an impermissible use of hindsight with the benefit of Applicants' disclosure a model for the needed changes.

Therefore, Applicants respectfully request withdrawal of the rejection of claims 5-11, 16-19, and 27-30 under 35 U.S.C. § 103.
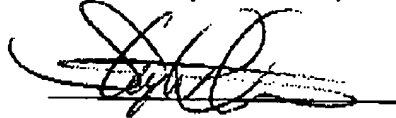
III.   Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

Stephen R. Tkacs
Reg. No. 46,430
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Agent for Applicants